

STATE OF WISCONSIN

Senate Journal

1983 October Special Session

FRIDAY, October 28, 1983

10:37 A.M.

11:58 A.M.

The senate met.

The senate was called to order by Fred A. Risser, president of the senate.

The roll was called and the following senators answered to their names:

Present -- Senators Adelman, Chilsen, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 33.

Absent -- None.

Absent with leave -- None.

The senate stood for a moment of silent prayer.

The senate remained standing and Senator Kincaid led the senate in the pledge of allegiance to the flag of the United States of America.

RECESS

1:30 P.M.

The senate reconvened.

AMENDMENTS OFFERED

Senate amendment 1 to Assembly Bill 3, October Special Session by Senator Kleczka.

Senate amendment 2 to Assembly Bill 3, October Special Session by Senators Offner, Maurer and Norquist.

Senate amendment 3 to Assembly Bill 6, October Special Session by Senators Norquist and Opitz.

Senate amendment 4 to Assembly Bill 6, October Special Session by Senator Opitz.

COMMITTEE REPORTS

The committee on Judiciary and Consumer Affairs reports and recommends:

Assembly Bill 3

Relating to limiting this state's jurisdiction to tax foreign corporations.

Concurrence:

Ayes, 5 -- Senators Adelman, Helbach, Feingold, Hanaway and Lorge;

Noes, 0 -- None.

LYNN S. ADELMAN

Chair

By request of Senator Maurer, with unanimous consent, the senate recessed until 11:55 A.M.

10:39 A.M.

COMMITTEE REPORTS

The committee on Agriculture and Rural Affairs reports and recommends:

Assembly Bill 7

Relating to taxation of milk assessments and refunds of them, garnishment of the proceeds from the sale of agricultural products, use of nondairy products in state and municipal buildings prohibited, distribution of cheese at tourist information centers, foreclosure by advertisement, promotion of Wisconsin products, dissolution of a consent order regarding dairy advertising and granting rule-making authority.

Concurrence:

Ayes, 6 -- Senators Moen, Feingold, Offner, Kincaid, Theno and Opitz;

Noes, 0 -- None.

RODNEY C. MOEN

Chair

RECESS

11:55 A.M.

The senate reconvened.

By request of Senator Cullen, with unanimous consent, the senate recessed until 1:30 P.M.

CALENDAR OF OCTOBER 28

Assembly Bill 3

Relating to limiting this state's jurisdiction to tax foreign corporations.

Read a second time.

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The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent, senate amendment 1 was placed after senate amendment 2.

The question was: Adoption of senate amendment 2?

Senator Adelman moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

Senator Kleczka moved that **Assembly Bill 3, October Special Session** be non-concurred in.

The question was: Shall the bill be non-concurred in?

Senator George in the chair.

1:55 P.M.

The question was: Shall the bill be non-concurred in?

The ayes and noes were demanded and the vote was: ayes, 10; noes, 23; absent or not voting, 0; as follows:

Ayes -- Senators Cullen, George, Kleczka, Lee, Lorge, Maurer, Moen, Norquist, Offner and Risser -- 10.

Noes -- Senators Adelman, Chilsen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kreul, Lasee, Lorman, McCallum, Opitz, Otte, Roshell, Strohl, Theno, Thompson and Van Sistine -- 23.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Chilsen, Czarnecki, Davis, Ellis, Engeleiter, Feingold, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kreul, Lasee, Lorman, Opitz, Otte, Strohl and Theno -- 19.

Noes -- Senators Cullen, George, Kleczka, Lee, Lorge, McCallum, Maurer, Moen, Norquist, Offner, Risser, Thompson and Van Sistine -- 13.

Absent or not voting -- Senator Roshell -- 1.

So the motion prevailed.

The question was: Adoption of senate amendment 1.

Senator Adelman moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 15; noes, 18; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Johnston, Kincaid, Kreul, Lorman, Otte, Roshell, Theno and Thompson -- 15.

Noes -- Senators Cullen, Czarnecki, Feingold, George, Helbach, Kleczka, Lasee, Lee, Lorge,

McCallum, Maurer, Moen, Norquist, Offner, Opitz, Risser, Strohl and Van Sistine -- 18.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 1?

By request of Senator Kreul, with unanimous consent, the senate recessed until 3:14 P.M.

2:52 P.M.

RECESS

3:14 P.M.

The senate reconvened.

By request of Senator Maurer, with unanimous consent, the senate recessed until 3:49 P.M.

3:15 P.M.

RECESS

3:49 P.M.

The senate reconvened.

The president of the senate in the chair.

Senator Adelman moved that senate amendment 1 be laid on the table.

The question was: Shall senate amendment 1 be laid on the table?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 18; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Johnston, Kincaid, Kreul, Lorman, McCallum, Strohl and Theno -- 14.

Noes -- Senators Cullen, Czarnecki, Feingold, George, Helbach, Kleczka, Lasee, Lee, Lorge, Maurer, Moen, Norquist, Offner, Opitz, Otte, Risser, Roshell and Van Sistine -- 18.

Absent or not voting -- Senator Thompson -- 1.

So the motion did not prevail.

Senator Adelman raised the point of order that senate amendment 1 was not germane.

The chair took the point of order under advisement.

Assembly Bill 5

Relating to directing the department of development to establish and operate a permit information center and specifying agency rule-making and other responsibilities which are coordinated with the functions of the center and making an appropriation.

Read a second time.

Senate amendment 1 offered by Senator Hanaway.

The question was: Adoption of senate amendment 1?

Senator Kleczka moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Cullen, Czarnezki, Feingold, George, Helbach, Kincaid, Kleczka, Lee, Maurer, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 19.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Johnston, Kreul, Lasee, Lorge, Lorman, McCallum, Opitz and Theno -- 14.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 2 offered by Senator Hanaway.

The question was: Adoption of senate amendment 2? Adopted.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 5, October Special Session

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 4; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Lasee, Lorman, McCallum, Moen, Offner, Opitz, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 28.

Noes -- Senators Kreul, Lee, Lorge and Norquist -- 4.
Absent or not voting -- Senator Maurer -- 1.

So the bill was concurred in as amended.

Assembly Bill 6

Relating to renaming the Wisconsin housing finance authority and expanding its functions to include economic development and export loans, establishing a council in the department of development, requiring reports and making an appropriation.

Read a second time.

The question was: Adoption of senate amendment 1? Adopted.

The question was: Adoption of senate amendment 2? Adopted.

Senate amendment 1 to senate amendment 3 offered by Senator George.

The question was: Adoption of senate amendment 1 to senate amendment 3?

Adopted.

The question was: Adoption of senate amendment 3? Adopted.

The question was: Adoption of senate amendment 4?

Senator Czarnezki moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4?

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

The question was: Rejection of senate amendment 4?.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Cullen, Czarnezki, Feingold, George, Hanaway, Helbach, Kincaid, Kleczka, Maurer, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 19.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Harsdorf, Johnston, Kreul, Lasee, Lee, Lorge, Lorman, McCallum, Opitz and Theno -- 14.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 5 offered by Senator Opitz.

The question was: Adoption of senate amendment 5?

Senator Czarnezki moved rejection of senate amendment 5.

The question was: Rejection of senate amendment 5?

The ayes and noes were demanded and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Cullen, Czarnezki, Engeleiter, Feingold, George, Harsdorf, Helbach, Kincaid, Kleczka, Kreul, Lorge, Lorman, Maurer, Moen, Offner, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 23.

Noes -- Senators Chilsen, Davis, Ellis, Hanaway, Johnston, Lasee, Lee, McCallum, Norquist and Opitz -- 10.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 6 offered by Senator Opitz.

The question was: Adoption of senate amendment 6?

Senator Czarnezki moved rejection of senate amendment 6.

The question was: Rejection of senate amendment 6? The motion prevailed.

Senate amendment 7 offered by Senator Czarnezki.

The question was: Adoption of senate amendment 7? Adopted.

Ordered to a third reading.

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By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 6, October Special Session

Read a third time.

The ayes and noes were required and the vote was: ayes, 24; noes, 8; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Cullen, Czarnezki, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lorge, Lorman, Maurer, Moen, Otte, Roshell, Strohl, Theno, Thompson and Van Sistine -- 24.

Noes -- Senators Davis, Lasee, Lee, McCallum, Norquist, Offner, Opitz and Risser -- 8.

Absent or not voting -- Senator Chilsen -- 1.

So the bill was concurred in as amended.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

Assembly Bill 7

Relating to taxation of milk assessments and refunds of them, garnishment of the proceeds from the sale of agricultural products, use of nondairy products in state and municipal buildings prohibited, distribution of cheese at tourist information centers, foreclosure by advertisement, promotion of Wisconsin products, dissolution of a consent order regarding dairy advertising and granting rule-making authority.

Read a second time.

Senate amendments 1, 2, 3 and 4 offered by Senator McCallum.

The question was: Adoption of senate amendment 1?

Senate substitute amendment 1 offered by Senators Davis and Engeleiter.

The question was: Adoption of senate substitute amendment 1?

Senator Moen moved rejection of senate substitute amendment 1.

The question was: Rejection of senate substitute amendment 1?

The motion prevailed.

The question was: Adoption of senate amendment 1?

Senator Moen moved rejection of senate amendment 1?

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Cullen, Czarnezki, Feingold, George, Helbach, Kincaid, Kleczka, Kreul, Lorge, Maurer, Moen, Offner, Otte, Roshell, Strohl, Thompson and Van Sistine -- 18.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Johnston, Lasee, Lee, Lorman, McCallum, Norquist, Opitz, Risser and Theno -- 15.

Absent or not voting -- None.

So the motion prevailed.

The question was: Adoption of senate amendment 2?

2. Senator Moen moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?
The motion prevailed.

The question was: Adoption of senate amendment 3?

Senator Moen raised the point of order that senate amendment 3 was not germane.

The chair ruled the point of order well taken.

Senator Lorge appealed the ruling of the chair.

The question was: Shall the decision of the chair stand as the judgment of the senate?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Cullen, Czarnezki, Engeleiter, Feingold, George, Helbach, Kincaid, Kleczka, Kreul, Lasee, Lee, Maurer, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl, Thompson and Van Sistine -- 22.

Noes -- Senators Chilsen, Davis, Hanaway, Harsdorf, Johnston, Lorge, Lorman, McCallum, Opitz and Theno -- 10.

Absent or not voting -- Senator Ellis -- 1.

So the decision of the chair shall stand as the judgment of the senate.

The question was: Adoption of senate amendment 4?

By request of Senator McCallum, with unanimous consent, senate amendment 4 was returned to the author.

Senate amendment 5 offered by Senator Theno.

The question was: Adoption of senate amendment 5?

5. Senator Moen moved rejection of senate amendment 5.

The question was: Rejection of senate amendment 5?
The motion prevailed.

Senate amendment 6 offered by Senator McCallum.

The question was: Adoption of senate amendment 6?
Adopted.

Senate amendment 7 offered by Senators Lorman and Thompson.

The question was: Adoption of senate amendment 7?
Adopted.

Senate amendments 8 and 9 offered by Senator Harsdorf.

The question was: Adoption of senate amendment 8?

8. Senator Moen moved rejection of senate amendment 8.

The question was: Rejection of senate amendment 8?

The ayes and noes were demanded and the vote was: ayes, 14; noes, 19; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Cullen, Czarnecki, Feingold, George, Lee, Maurer, Moen, Norquist, Offner, Otte, Roshell, Strohl and Van Sistine -- 14.

Noes -- Senators Chilsen, Davis, Ellis, Engeleiter, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kleczka, Kreul, Lasee, Lorge, Lorman, McCallum, Opitz, Risser, Theno and Thompson -- 19.

Absent or not voting -- None.

So the motion did not prevail.

The question was: Adoption of senate amendment 8?

Senate amendment 1 to senate amendment 8 offered by Senator Harsdorf.

The question was: Adoption of senate amendment 1 to senate amendment 8?

Adopted.

The question was: Adoption of senate amendment 8? Adopted.

The question was: Adoption of senate amendment 9?

Senator Moen moved rejection of senate amendment 9.

The question was: Rejection of senate amendment 9?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 14; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Cullen, Czarnecki, Feingold, George, Kincaid, Kleczka, Lee, Maurer, Moen, Norquist, Offner, Otte, Risser, Roshell, Strohl and Van Sistine -- 17.

Noes -- Senators Chilsen, Ellis, Hanaway, Harsdorf, Helbach, Johnston, Kreul, Lasee, Lorge, Lorman, McCallum, Opitz, Theno and Thompson -- 14.

Absent or not voting -- Senators Davis and Engeleiter -- 2.

So the motion prevailed.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 7, October Special Session

Read a third time.

The ayes and noes were required and the vote was: ayes, 28; noes, 5; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnecki, Ellis, Engeleiter, Feingold, George, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kreul, Lasee, Lorge, Lorman, McCallum, Maurer, Moen, Offner, Otte, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 28.

Noes -- Senators Davis, Kleczka, Lee, Norquist and Opitz -- 5.

Absent or not voting -- None.

So the bill was concurred in as amended.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

By request of Senator Maurer, with unanimous consent, the senate recessed until 7:18 P.M.

6:25 P.M.

RECESS

7:18 P.M.

The senate reconvened.

RULING OF THE CHAIR

Earlier today the Senator from the 28th District, Senator Adelman, raised the point of order that senate amendment 1 to **Assembly Bill 3, October Special Session** was not germane. The bill and the call for the Special Session very clearly relate to limiting the state's jurisdiction to impose franchise or income tax on foreign corporations. The amendment introduced by the Senator from the 7th, Senator Kleczka, would limit the state's jurisdiction over in-state publishers. The amendment relates to a different subject and would expand the scope of the bill, alter the nature of the original proposal and would accomplish a different purpose. Therefore, it is the opinion of the chair the amendment is not germane and the point of order is well taken.

Assembly Bill 3

Relating to limiting this state's jurisdiction to tax foreign corporations.

Read a second time.

Senate amendment 3 offered by Senator Offner.

The question was: Adoption of senate amendment 3?

Senator Adelman moved rejection of senate amendment 3.

The question was: Rejection of senate amendment 3?

Senator Kleczka raised the point of order that senate amendment 3 was not germane.

The chair ruled the point of order not well taken.

The question was: Rejection of senate amendment 3?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Cullen, Davis, Ellis, Engeleiter, Feingold, Hanaway, Harsdorf, Helbach, Johnston, Kincaid, Kreul, Lasee, Lorman, Roshell, Strohl, Theno and Thompson -- 18.

Noes -- Senators Chilsen, Czarnecki, George, Kleczka, Lee, Lorge, McCallum, Maurer, Moen,

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Norquist, Offner, Opitz, Otte, Risser and Van Sistine -- 15.

Absent or not voting -- None.

So the motion prevailed.

Senate amendment 4 offered by Senator Kleczka.

The question was: Adoption of senate amendment 4?

Senator Adelman moved rejection of senate amendment 4.

The question was: Rejection of senate amendment 4?

The ayes and noes were demanded and the vote was: ayes, 17; noes, 15; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Davis, Ellis, Engeleiter, Feingold, Harsdorf, Helbach, Johnston, Kincaid, Kreul, Lorman, Otte, Risser, Roshell, Strohl, Theno and Thompson -- 17.

Noes -- Senators Chilsen, Czarnezki, George, Hanaway, Kleczka, Lasee, Lee, Lorge, McCallum, Maurer, Moen, Norquist, Offner, Opitz and Van Sistine -- 15.

Absent or not voting -- Senator Cullen -- 1.

So the motion prevailed.

Senate amendment 5 offered by Senator Kleczka.

The question was: Adoption of senate amendment 5?

Senator Adelman moved rejection of senate amendment 5.

The question was: Rejection of senate amendment 5?

The ayes and noes were demanded and the vote was: ayes, 19; noes, 14; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Davis, Ellis, Engeleiter, Feingold, Hanaway, Harsdorf, Helbach, Johnston, Kreul, Lorge, Lorman, Otte, Roshell, Strohl, Theno and Thompson -- 19.

Noes -- Senators Czarnezki, George, Kincaid, Kleczka, Lasee, Lee, McCallum, Maurer, Moen, Norquist, Offner, Opitz, Risser and Van Sistine -- 14.

Absent or not voting -- None.

So the motion prevailed.

Ordered to a third reading.

By request of Senator Cullen, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 3, October Special Session

Read a third time.

The ayes and noes were required and the vote was: ayes, 25; noes, 8; absent or not voting, 0; as follows:

Ayes -- Senators Adelman, Chilsen, Cullen, Czarnezki, Davis, Ellis, Engeleiter, Feingold, Hanaway,

Harsdorf, Helbach, Johnston, Kincaid, Kreul, Lasee, Lorge, Lorman, McCallum, Opitz, Otte, Roshell, Strohl, Theno, Thompson and Van Sistine -- 25.

Noes -- Senators George, Kleczka, Lee, Maurer, Moen, Norquist, Offner and Risser -- 8.

Absent or not voting -- None.

So the bill was concurred in.

By request of Senator Cullen, with unanimous consent, the Senate returned to the eighth and fourth orders of business.

MESSAGE FROM THE ASSEMBLY

By Joanne M. Duren, chief clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in:

Senate Bill 2, October Special Session

Assembly Bill 5, October Special Session, senate amendment 2

Assembly Bill 6, October Special Session, senate amendments 1, 2, 3 and 7

Assembly Bill 7, October Special Session, senate amendments 6, 7 and 8

Senate Bill 1, October Special Session

Assembly Bill 4, October Special Session, senate amendments 1 and 5

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends for introduction:

Senate Joint Resolution 1, October Special Session
Relating to the final adjournment of the October 1983 special session.

Introduction:

Ayes, 5 -- Senators Cullen, Risser, Offner, Harsdorf and Engeleiter;

Noes, 0 -- None.

TIMOTHY F. CULLEN
Chair

Read.

Considered as privileged and taken up.

Adopted.

By request of Senator Cullen, with unanimous consent, all action was ordered immediately messaged.

Upon motion of Senator Cullen the senate adjourned pursuant to **Senate Joint Resolution 1, October Special Session**.

8:14 P.M.